

**MCDERMOTT, WILL & EMERY**  
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Facsimile Assistance

Outgoing Faxes: (312) 984-2147

Incoming Faxes: (312) 984-2134

**FACSIMILE**

**Date:** April 9, 2003 **Time Sent:** 11:32 AM

**TO:**

Name	Company	Facsimile No.	Contact No.
Examiner R. Dye	USPTO	(703) 872-9523	

**FROM:** Matthew E. Leno **Direct Phone:** 312 984 3612

**E-Mail:** mleno@mwe.com **Direct Fax:** 312 987 7700

**Client/Matter/Tkpr:** 64180-066-5334 **Originals Follow by Mail:** No

**Number of Pages, Including Cover:** 43

**Re:** U.S. Patent App. No. 09/901,427

**MESSAGE:**

*Resubmission April 11, 2003*

In re Appln. of Curie, et al.

App. No.: 09/901,427

Filed: July 9, 2001

Title: Transparent Multilayer Polypropylene Container with Barrier Protection

**ENCLOSED:** Facsimile Cover Sheet (1 pp.);  
Fee Transmittal (1 pp. - in dup.);  
Response Transmittal (1 pp. - in dup.);  
Supplemental Response w/Declaration of Knoll (35 pp.);  
Information Disclosure Statement (2 pp.);  
Form 1449 (1 pp.).

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the original message to us at the above address via the United States Postal Service. Thank you.

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Catherine N. Hunter AT (312) 899-7246 AS SOON AS POSSIBLE.

CHT00 1048816.1 T041124 0011

Received from <312 984 7700> at 4/11/03 3:23:27 PM [Eastern Daylight Time]

PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL**  
**for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 618**Complete if Known**

Application Number	09/801,427
Filing Date	July 9, 2001
First Named Inventor	Curie, et al.
Examiner Name	R. Dye
Art Unit	3627
Attorney Docket No.	24180-124004

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 13-0206

Deposit Account Name: McDermott, Will & Emery

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>			<b>(\$ 0)</b>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims: 145  
Independent Claims: 10  
Multiple Dependent: 8

120 Extra Claims Fee from below: 25 x 18 = 450  
- 3% = 2 x 84 = 168  
0 = 0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 84	2201 42	Independent claims in excess of 3	
1203 280	2203 140	Multiple dependent claim, if not paid	
1204 84	2204 42	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>			<b>(\$ 618)</b>

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 66	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1063 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ 0)**SUBMITTED BY**

Name (Print/Type) Matthew E. Leno

Registration No. 41,149  
(Attorney/Agent)

(Complete if applicable)

Telephone (312) 372-2000

Signature

Date April 9, 2003

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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Received from &lt;312 984 7700&gt; at 4/11/03 3:23:27 PM [Eastern Daylight Time]

CERTIFICATE OF FACSIMILE

I hereby certify that the attached Amendment and Information Disclosure Statement is being sent via facsimile transmission to the United States Patent and Trademark Office to Examiner R. Dye at fax number (703) 872-9523:

on April 9, 2003  
Date of Mailing  
Matthew E. Leno  
Applicant, Assignee or Registered Representative  
Signature  
April 9, 2003  
Date of Signature

RESPONSE TO OFFICE ACTION TRANSMITTAL LETTER			ATTORNEY'S DOCKET NO. 24180-124004
APPL. NO. 09/901,427	FILING DATE July 9, 2001	EXAMINER R. Dye	GROUP ART UNIT 3627
INVENTOR(S) Curie, et al.			
TITLE OF INVENTION Transparent Multilayer Polypropylene Container with Barrier Protection			

## TO THE COMMISSIONER OF PATENTS AND TRADEMARKS

Transmitted herewith is a Information Disclosure Statement and Supplemental Response in the above-identified application.

- ☐ Small entity status of this application under 37 CFR 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish a small entry status under 37 CFR 1.9 and 1.27 is enclosed.
- ☐ A request for a \_\_\_\_\_-month extension of time is enclosed.
- ☐ No additional claim fee is required.
- ☒ The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL	145	MINUS	120	25
INDEP.	10	MINUS	8	2
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

## SMALL ENTITY

RATE	ADD'L FEE
x \$9 =	\$
x \$42 =	\$
x \$135 =	\$
TOTAL ADD'L FEE	\$

OTHER THAN A  
SMALL ENTITY

RATE	ADD'L FEE
x \$18 =	\$450
x \$84 =	\$168
x \$270 =	\$
TOTAL ADD'L FEE	\$618

- ☐ Please charge Deposit Account No. 13-0206 in the amount of \$618.00 for the Amendment and Information Disclosure Statement. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17 associated with this communication or credit any overpayment to Deposit Account No. 13-0206. A duplicate copy of this sheet is enclosed.
- ☐ I hereby petition under 37 CFR 1.136(b) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 13-0206. A duplicate copy of this sheet is enclosed.

April 9, 2003

(Date)

SIGNATURE: ATTORNEY NAME: Matthew E. Leno  
REGISTRATION NO: 41,149

McDERMOTT, WILL & EMERY  
 227 WEST MONROE STREET  
 CHICAGO, ILLINOIS 60606  
 tel.: (312) 372-2000  
 fax.: (312) 987-7700

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**F A C S I M I L E**

Date: April 11, 2003 Time Sent: 2:11 PM

**TO:**

Name	Company	Facsimile No.	Contact No.
Examiner R. Dye	USPTO	(703) 872-9523	

**FROM:** Matthew E. Leno **Direct Phone:** 312 984 3612  
**E-Mail:** mleo@mwe.com **Direct Fax:** 312 987 7700  
**Client/Matter/Tkpr:** 64180-066-5334 **Originals Follow by Mail:** No  
**Number of Pages, Including Cover:** 9

**Re:** U.S. Patent App. No. 09/901,427

**MESSAGE:**

In re Appln. of Curie, et al.

App. No.: 09/901,427

Filed: July 9, 2001

Title: Transparent Multilayer Polypropylene Container with Barrier Protection

**ENCLOSED:** Facsimile Cover Sheet (1 pp.);  
 Transmittal (1 pp. - in dup.);  
 Fee Transmittal (1 pp. - in dup.) and  
 Terminal Disclaimer (2 pp. - in dup.).

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on April 11, 2003  
 Date of Mailing  
Matthew E. Leno  
 Applicant, Assignee or Registered Representative  
 Signature  
April 11, 2003  
 Date of Signature

<b>RESPONSE TO OFFICE ACTION TRANSMITTAL LETTER</b>			ATTORNEY'S DOCKET NO. 24180-124004
APPL. NO. 09/901,427	FILING DATE July 9, 2001	EXAMINER R. Dye	GROUP ART UNIT 3627
INVENTOR(S) <u>Curie, et al.</u>			
TITLE OF INVENTION <u>Transparent Multilayer Polypropylene Container with Barrier Protection</u>			

## TO THE COMMISSIONER OF PATENTS AND TRADEMARKS

Transmitted herewith is a Terminal Disclaimer for the above-identified application.

- ☐ Small entity status of this application under 37 CFR 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish a small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- ☐ A request for a \_\_\_\_\_-month extension of time is enclosed.
- ☒ No additional claim fee is required.
- ☐ The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL		MINUS		
INDEP.		MINUS		
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

## SMALL ENTITY

RATE	ADDL FEE
$\times \$9 =$	\$
$\times \$42 =$	\$
$\times \$135 =$	\$
TOTAL ADDL FEE	\$

OR

OTHER THAN A  
SMALL ENTITY

RATE	ADDL FEE
$\times \$18 =$	\$
$\times \$84 =$	\$
$\times \$270 =$	\$
TOTAL ADDL FEE	\$

OR

- ☒ Please charge Deposit Account No. 13-0206 in the amount of \$110.00 for the Terminal Disclaimer. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17 associated with this communication or credit any overpayment to Deposit Account No. 13-0206. A duplicate copy of this sheet is enclosed.
- ☐ I hereby petition under 37 CFR 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 13-0206. A duplicate copy of this sheet is enclosed.

April 11, 2003  
 (Date)

SIGNATURE

ATTORNEY NAME: Matthew E. Leno  
 REGISTRATION NO: 41,149

McDERMOTT, WILL & EMERY  
 227 WEST MONROE STREET  
 CHICAGO, ILLINOIS 60606  
 tel.: (312) 372-2000  
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PTO/SB/17 (01-03)

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**FEE TRANSMITTAL**  
**for FY 2003**

Effective 01/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT**

(\$ 110

**Complete if Known**

Application Number	09/901,427
Filing Date	July 9, 2001
First Named Inventor	Curie, et al.
Examiner Name	R. Dye
Art Unit	3627
Attorney Docket No.	24180-124004

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

13-0206

McDermott, Will &amp; Emery

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

**SUBTOTAL (1)** (\$ 0**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

		Extra Claims		Fee from below		Fee Paid
Total Claims	<input type="text"/>	-20** =	<input type="text"/>	X	18	= 0
Independent Claims	<input type="text"/>	-3** =	<input type="text"/>	X	84	= 0
Multiple Dependent					0	= 0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

**SUBTOTAL (2)** (\$ 0

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
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1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
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1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
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1808	180	1808	180	Submission of Information Disclosure Stmt	
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Other fee (specify) Terminal Disclaimer

110

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ 110**SUBMITTED BY**

Name (Print/Type)	Matthew E. Leno	Registration No. (Attorney/Agent)	41,149	Telephone	(312) 372-2000
Signature		Date	April 11, 2003		

(Complete if applicable)

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